

11:44 am, Oct 14 2020AT BALTIMORE
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND
BY _____ Deputy**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND****IN THE MATTER OF THE AFFIDAVIT IN
SUPPORT OF A SEARCH WARRANT
AUTHORIZING A DNA SAMPLE
COLLECTION FROM MICHAEL MOORE**Case No. 1:20-mj-2571 TMD**AFFIDAVIT IN SUPPORT OF
APPLICATION FOR A SEARCH WARRANT**

I, Chris Loudermilk, a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), being duly sworn, depose and state as follows:

INTRODUCTION

1. The ATF and Baltimore Police Department (“BPD”) have been investigating Michael MOORE for a violation of 18 U.S.C. §§ 922(g)(1) (prohibited person in possession of a firearm). This affidavit is being submitted in support of an application for a search warrant pursuant to Federal Rule of Criminal Procedure 41 to obtain samples of DNA for comparison purposes in the form saliva from MOORE, a man born in 2000, assigned a Social Security account number ending in 4407, assigned an FBI number ending in CJWP, and depicted in Attachment A. MOORE is incarcerated at Baltimore Central Booking and Intake, 300 E. Madison Street, Baltimore, Maryland 21202. The warrant would authorize members of the ATF, or their authorized representatives, to obtain DNA contained within saliva samples from MOORE, as described in Attachment B.

2. I submit this affidavit for the limited purpose of securing the requested warrant. I have not included details of every aspect of this investigation to date. Rather, I have set forth only those facts that I believe are necessary to establish probable cause supporting the warrant. I have

not, however, intentionally omitted information that would tend to defeat a determination of probable cause.

3. I believe that probable cause exists that MOORE possessed a firearm in violation of 18 U.S.C. § 922(g)(1) on August 27, 2020. The firearm at issue, one black Ruger .45 caliber, semi-automatic pistol bearing serial number 861-27256, was swabbed by BPD for DNA and the swabs retained. Therefore, I respectfully request that this Court find probable cause that evidence of the aforementioned criminal violation is contained in the form of DNA in saliva in the possession of MOORE.

AFFIANT BACKGROUND

4. I am an SA with the ATF and have been since May 2018. I am currently assigned to the Baltimore Field Division, Baltimore Group VII, which is responsible for identifying National Integrated Ballistic Information Network (NIBIN) leads with a federal nexus connected to violent crimes in an effort to reduce cycles of violence. I attended and graduated from the Department of Homeland Security, Federal Law Enforcement Training Center Criminal Investigator Training Program as well as the ATF National Academy Special Agent Basic Training Program in 2018 where I received training in the enforcement of federal firearms, arson, and explosive laws. Prior to being employed by ATF, I served as a police officer for approximately thirteen years with the cities of Newport News, Staunton, and Charlottesville in Virginia. During my time as a police officer and SA I have participated in investigations, which resulted in the arrests, searches, and seizures of individuals and property. I have participated in the utilization of cooperating informants, undercover agents, search warrants, and surveillance, among other law enforcement investigative techniques.

5. I am familiar with firearm, narcotics, and explosive statutes, and the methods employed by those who violate these laws. I have been the affiant on search warrants and made numerous arrests in the course of my career for firearm violations and other violent crimes. I know, based on training and experience that Deoxyribonucleic Acid (“DNA”) can be found on items such as clothing and firearms and can be compared to a sample of DNA from a known person. This comparison can help identify or eliminate suspects. I know that the Baltimore Police Department Forensics Biology Unit will not test firearms for the presence of DNA (or do any subsequent comparison) without a standard to which it can be compared.

PROBABLE CAUSE

6. On August 27, 2020, BPD officers were on routine patrol in the 4600 block of York Road when they observed a white Buick with dark tinted windows that matched the description of a Buick recently involved in a shooting in the area.

7. BPD officers followed the Buick; once behind the vehicle, officers observed the Buick had a defective taillight. They also observed the Buick begin to drive erratically. BPD officers requested the assistance of Foxtrot (Aviation Unit) to assist with the traffic stop.

8. When Foxtrot arrived in the area, BPD officers activated their emergency equipment and attempted to conduct a traffic stop. The Buick accelerated and drove around traffic that was stopped at a red traffic signal, nearly hitting another vehicle.

9. The Buick eventually lost control and struck the rear of another vehicle. The driver of the Buick, later identified as MOORE, exited the vehicle with a black handgun in his right hand and fled on foot eastbound into the front yard of 4101 The Alameda. BPD officers located MOORE hiding in the bushes between two houses in the 4000 block of The Alameda. MOORE was subsequently arrested without incident.

10. Foxtrot recorded the incident and advised that MOORE tossed the firearm in the wooded area located next to the residence of 4101 The Alameda. After a canvass of the area, BPD officers recovered one black Ruger .45 caliber pistol bearing serial number 861-27256. The pistol was loaded with eight rounds of .45 caliber ammunition in the magazine and one round in the chamber. BPD officers conducted a search incident to arrest on MOORE and recovered one plastic bag suspected marijuana, \$589, and six rounds of 9 mm ammunition.

11. All recovered evidence, including the firearm, was submitted to the Evidence Control Unit of BPD.

12. The firearm was test-fired at the BPD Firearms lab and expelled a projectile by the action of an explosive, and therefore qualifies as a firearm under 18 U.S.C. § 921(a)(3). The firearm was not manufactured in Maryland and therefore affected interstate commerce prior to its recovery.

13. The BPD lab swabbed the firearm for the possible presence of epithelial cells. The swabs cannot be forwarded for DNA analysis until a standard for a suspect is obtained and comparison is requested.

14. Prior to his arrest described in this affidavit, MOORE was convicted of a felony. Specifically, in 2018 MOORE served three years of incarceration for an armed robbery conviction. MOORE should have known he had been convicted of a crime subject to a punishment of over a year incarceration since he actually served three years.

DNA AUTHORIZATION REQUEST

15. Based on my training and experience, I believe that MOORE's DNA may be on the firearm recovered during his arrest. A known sample of his DNA is required in order to test and compare any and all DNA recovered. Accordingly, I am requesting authorization for a warrant to

obtain samples of DNA for comparison purposes in the form of saliva from MOORE to compare to the swabs taken from the firearm and magazine that I believe was possessed by MOORE in violation of 18 U.S.C. § 922(g) (prohibited person in possession of a firearm).

16. Further, I respectfully request that the Court issue a warrant authorizing members of the ATF, or their authorized representatives, including but not limited to other law enforcement agents, to obtain DNA samples from MOORE so that the DNA sample may be compared to the swabs taken from evidence recovered in this case.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

CHRISTOPHER LOUDERMILK

Digitally signed by
CHRISTOPHER LOUDERMILK
Date: 2020.10.08 14:34:14
-04'00'

Special Agent Chris Loudermilk
Bureau of Alcohol, Tobacco, Firearms and Explosives

Sworn to before me over the telephone and signed by me
pursuant to Fed. R. Crim. P. 4.1 and 4.1(d)(3) on October
8, 2020.



The Hon. Thomas M. DiGirolamo
United States Magistrate Judge

ATTACHMENT A

Photograph of Person to be Searched

Michael MOORE

YOB: 2000

Currently residing at: Baltimore Central Booking and Intake, 300 E. Madison St,
Baltimore, Maryland 21202

Last four digits of FBI No.: CJWP



ATTACHMENT B

Description of Items to be Seized

Buccal (oral) swabs of the inside of Michael MOORE's mouth limited to the extent where sufficient samples of DNA are obtained.